

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

ZACHARY M. ENSLOW,

Case No. 3:18-cv-01197-TC

Plaintiff,

ORDER

v.

OREGON STATE; PORTLAND
POLICE DEPARTMENT;
PORTLAND OREGON STATE
MARSHALLS DEPARTMENT;
BOB FERGASON,

Defendants.

MCSHANE, District Judge:

Plaintiff, appearing pro se, files this action pursuant to 42 U.S.C. § 1983. However, plaintiff did not pay the filing fee or submit a completed Application to Proceed in Forma Pauperis. Regardless, plaintiff's Complaint must be dismissed.

Plaintiff alleges that his federal constitutional rights were violated when he was falsely arrested in February 2015 and imprisoned for several months until he was acquitted of the relevant charges. Compl. at 4-5 (ECF No. 1). Plaintiff contends he suffered harm from being falsely imprisoned and seeks money damages. *Id.*

Plaintiff previously brought similar actions in this Court alleging virtually identical facts, including: *Enslow v. State of Oregon*, Civil Case No. 3:16-cv-00708-HZ; *Enslow v. State of Oregon*, Civil Case No. 3:16-cv-02099-YY; *Enslow v State of Oregon*, 3:17-cv-00636-YY; and *Enslow v State of Oregon*, 3:18-cv-00713-MC. In the first action, the Court allowed plaintiff to amend his Complaint after advising him of the deficiencies. Plaintiff filed an Amended Complaint, which did not cure the noted deficiencies and the action was dismissed. In the second action, plaintiff's Complaint suffered from the same deficiencies identified in the prior action, and it was dismissed without the opportunity for amendment. In the third and fourth actions, plaintiff's Complaints again were deficient and ultimately were dismissed.

In this case, the Complaint again suffers from the same deficiencies. As noted in plaintiff's previous actions, dismissal of a complaint repeating previously litigated claims is appropriate as frivolous or malicious. *See Cato v. Williams*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995). Accordingly, this action is dismissed.

CONCLUSION

Plaintiff's Complaint is DISMISSED without leave to amend.

IT IS SO ORDERED.

DATED this 20th day of July, 2018.

s/ Michael J. McShane
Michael J. McShane
United States District Judge